The need for establishing a First Class Magistrate's Court at Nagercoil was then urged, the grounds for his request being the importance of Nagercoil as the second town in Travancore and the distance from the Padmanabhapuram Magistrate's court.

DEWAN'S REPLY : Mr. Subrahmanyan, the first two points, *viz.*, delay in the disposal of suits and the rate of interest dealt with by you in your representation will be noted for consideration.

2. As regards the establishment of a First Class Magistrate's Court at Nagercoil, your request is not unreasonable and the Government will have the matter examined in the light of what you have said.

41. Total prohibition of drink.

MR. JOSEPH THOMAS (*Member, Minachil taluk, Group II*) strongly advocated the urgent need for a legislative enactment completely to stamp out the drink evil. Drinking was one of the causes of criminality. It affected the poor day-labourer most. It was the duty of the Government not to lead into temptation those whom penury depressed. According to the Excise Commissioner, on an average, a person spent Rs. 3-13 As.-3 Ps. a year on liquor and this in his view was not a serious danger financially. The basis of the Excise Commissioner's calculation was, according to the Member, wrong. It was not proper to consider all the forty lakhs of people in Travancore as addicted to drinking ; to get at the truth of the situation, only those who really drank should be counted. Calculated on that basis, the average would be much higher. Even a Pulaya wage-earner spent Rs. 45 a year on liquor. This was a very serious drain on the country's wealth and the only reason why the Government did not root out the evil was their desire for the excise revenue. But compared with the 24 lakhs of rupees which the Government gained, more than a crore of rupees were taken away from those who took to drinking.

The next point which the Member considered was the desirability of legislation to prevent this social evil. The greatest happiness of the greatest number was taken as the guiding principle ; and he argued that in a matter like drinking, a dry law tended to general happiness and even if there be a small trenching upon the liberty of the individual, the general well-being of the society justified such a legislation. J. S. Mill himself, the Member said, did not consider it an inroad upon the liberty of the individual if the State interposed in matters on public expediency. A law prohibiting the traffic in liquor in so far as it did not affect any primordial or fundamental rights was ethically justifiable. Drinking was such a bad evil that one addicted to it allured even those who were not.

The Member next explained what other Governments, European, American and Indian, had done in the matter. So far as Indians were concerned, the use of liquor had always been a prohibited article. A Hindu or a Mahomedan was liable even to be ostracised from society if he took to drinking. In recent years there was a widespread feeling against the evil and powerful organisations have been formed to make India a dry country. Several of the Indian States were progressing towards the realisation of the ideal and Travancore which had gained the fair name of ' Model State ' should not in its excise policy sully its reputation.

The fall in revenue, which was the argument advanced by financiers against total prohibition, could be made up by the improvement in the character, thrifty habits and industry of the people when the evil was stamped out. He also quoted Mr. Gandhi who on his visit to Travancore said that if necessary even the educational and charitable institutions might be closed down, but the sale of liquor should be abandoned.

Then, in regard to the practicability of enforcing the law, the difficulty was unnecessarily magnified and was by no means one which could not be overcome. Illicit trade in liquor was bound to exist at all times and if the policy of total prohibition was to be adopted after securing against illicit trade, no progress in that direction could in the near future be achieved. The recommendations of the Excise Committee did not go far enough. The dissenting minute of Mr. M. R. Madhava Variar was acceptable. Why the Government should cater to the public 90 per cent. of the liquor

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for fear of 10 per cent. of illicit trade was a puzzle. The expenditure for maintaining a staff to prevent illicit trade in liquor could be met from the receipts from tobacco. Public opinion in Travancore was also in favour of total prohibition.

The period of fifty years for effecting total prohibition was too long and one could not understand why in a country where the majority of the population were naturally averse to drinking, it should take fifty years, when, in the United States of America, it was found possible to effect a complete prohibition in the course of five years.

The Member said he did not believe in pursuing a policy of local option, regulation of the liquor trade or of the reduction in its issue strength. Nothing short of total prohibition, in his opinion, would do any good. In conclusion, he said that it would never be too much to hope that, as in Bhopal, it would become possible to effect a total prohibition during the regime of Her Highness the Maha Rani Regent.

DEWAN'S REPLY : Mr. Joseph Thomas, the attitude of the Government of Travancore towards the drink problem has been outlined and authoritatively indicated more than once, the most recent occasion having been yesterday in my reply to the representation by Mr. Punnose Jacob.

42. The Jenmi Kudiyan Bill.

Mr. NILAKANTAN NILAKANTAN NAMPUTIRI (*Member, Jenmi, Kottayam Division*) said that he represented a community which once stood high in point of wealth, civilization and culture, but had become feeble and unprogressive through causes at work during the past three quarters of a century. During the past 25 years, nearly 9000 acres of landed property which belonged to the *jenmies* had been alienated on *kanapattom*, nearly 7,000 acres on mortgage and 2,000 acres on outright sale. Such was the sorry plight of the small community, and the *jenmi kudiyan* Bill would make the position much worse. The Bill had created a widespread dissatisfaction among the members of the community and was open to the following, among several, objections :

(1) *Jenmi's rights.*—The fundamental rights of the community over their lands which existed from the time of Parasurama were altered by the Government in 1042 without any justification or authority for the Government so to interpose. The subsequent legislation, *viz.*, Regulation V of 1071, further weakened their rights and the present Bill was most disastrous.

(2) *Renewal fees.*—The period for renewal should not be fixed at 36 years. Such a rule would banish even the hope of securing the renewal fees and other dues which they were now entitled to get from the *kudiyans*. Further, the proposal to distribute the amount of the dues to the *jenmies* which were payable only in twelve years' time over twelve annual instalments was both unjust and unreasonable.

(3) *Customary dues.*—The proposal to commute customary dues as *Aravakasam, Panchabhogam* and *Onakazhcha* in the case of *Brahmaswoms*, and of *Kalasavari, Ambalampani, Dhwajapratishta, Ulsavakoppu, Tripputtari, Varam*, etc., into money payable annually along with *Michavaram* was equally meaningless and unjustifiable as they were occasional dues and arose only on specified occasions.

(4) *Notice of transfer.*—Even though there was provision in the law requiring the *kudiyan* to give notice to the *jenmi* of transfers of *kanam* property, it was not observed. He suggested therefore that if the *jenmies* were entitled to collect a fine when transfers were effected without notice to them, the difficulty complained of could be obviated.

(5) *Acquisition of Jenmom property by the Government.*—The *kudiyan* should be entitled to get only a third of the value of the compensation for improvements and only his right to the *kanam* amount ; the balance of the amount of compensation should go to the *jenmi*.

(6) *Eviction.*—The *jenmi* should have the right to evict a *kudiyan* from his property in case (i) the *kudiyan* failed to pay *Michavaram* consecutively for six

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